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Attorney Docket No. 25627-501



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Li

SERIAL NUMBER: 10/622,854

EXAMINER: Leslie A. Royds

FILING DATE: July 17, 2003

ART UNIT: 1614

FOR: Activated Checkpoint Therapy and Methods of Use Thereof

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Enclosed herewith for filing in the above-identified application please find the following documents:

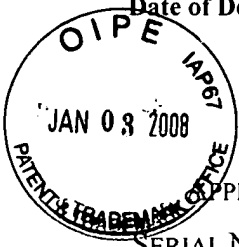
1. Response to Notice of Non-Responsive Amendment Under 37 C.F.R. §§ 1.121 (1 pg);
2. Copy of Notice of Non-Responsive Amendment Under 37 C.F.R. §§ 1.121 (2 pgs);
3. Compliant Revised Response to the March 22, 2007 Office Action timely filed on September 24, 2007 (15 pgs); and
4. Return Postcard.

The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311, (Reference No. 25627-501). A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Matthew Pavao, Reg. No. 50,572
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Customer No.: 30623

Dated: January 3, 2008



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**RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT
UNDER 37 CFR §§ 1.121**

In response to the Notice of Non-Responsive Amendment, mailed December 18, 2007, Applicants submit a revised Supplemental Amendment and Response to the March 22, 2007 Office Action timely filed on September 24, 2007, incorporating a complete listing of all claims with proper editorial markings. The revised Response clearly indicates the addition and deletion of claim limitation using underline and strikethrough markings in compliance with 37 C.F.R. 1.121[c].

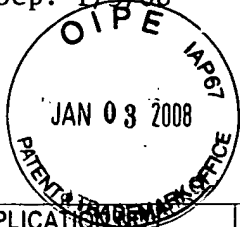
Applicants believe that no additional fees are due in this filing, however, the Commissioner is authorized to charge any additional fees due, or credit any overpayment of same, to the undersigned's account, Deposit Account No. 50-0311, Reference No. 25627-501.

Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Matthew Pavao, Reg. No. 50,572
Attorney/Agent for Applicants
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Tel: (617) 542-6000
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Dated: January 3, 2008



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/622,854	7/17/2003	LI, CHIANG J.	25627-501

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
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BOSTON, MA 02111

EXAMINER

Leslie A. Royds

ART UNIT	PAPER
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1614

20071214

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

NOTICE OF NON-RESPONSIVE AMENDMENT

Applicant's amendments and remarks filed September 24, 2007 have been received and entered into the present application. However, Applicant's amendments to the claims fail to comply with the requirements of 37 C.F.R. 1.121[c].

37 C.F.R. 1.121[c] states: "Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled...All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletions of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived."

Specifically, Applicant's amendments to claims 1, 35 and 75-76 clearly fail to comply with the provisions of 37 C.F.R. 1.121[c] for the following reasons:

(i) With regard to claim 1, Applicant has failed to underline the text corresponding to newly added limitations (e.g., "to elevate the" in line 6 of the claim, "G1 or S phase" in line 8 of the claim) and has entirely removed limitations from the claim (i.e., "selectively" in line 8 of the claim or "effect" in line 9 of the claim) without indicating whether such limitations have been deleted or are intended to remain pending.

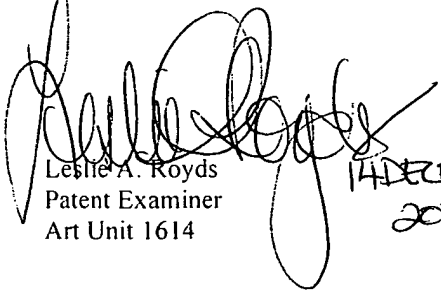
(ii) With regard to claim 35, Applicant presents text that contains strike-through and is also underlined (e.g., "is elevated" at line 9 of the claim), which fails to clearly indicate the intent of the amendment (i.e., removal or addition of the limitation), and has also failed to underline the text corresponding to newly added limitations (i.e., "G1 or S phase" in line 9 of the claim). Additionally, limitations that were added in the previous claim listing of December 21, 2006 are again underlined as if newly added in the instant claim listing of September 24, 2007, which is unnecessary unless Applicant intends to amend the limitation relative to manner in which it was added in the claim listing of December 21, 2006.

(ii) With regard to claims 75-76, these claims are each newly added and have not been previously pending before the Office. Accordingly, the status identifier of "(New)" is adequate to indicate that the claims are newly added and have not before been considered. Applicant presents underlining in the text of newly added claims 75-76, which is improper and presents confusion as to whether the claims are simply newly added or are, in fact, amended relative to a previously pending version of the claims.

Applicant is required, in reply to this notice, to submit a complete listing of all pending claims properly reflecting ALL ADDITIONS and DELETIONS made to the text of the claims relative to the immediately prior version of the claims in accordance with the provisions of 37 C.F.R. 1.121[c]. For Applicant's reference, the marked up text should be presented relative to the claim listing of December 21, 2006.

Since the above-mentioned response appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, as well as a proper response to the previous Office Action, in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached Monday through Friday, 9:00 AM to 5:30 PM. If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.


Leslie A. Royds
Patent Examiner
Art Unit 1614

14 DECEMBER
2007


ARDIN H. MARSCHEL
SUPERVISORY PATENT EXAMINER